LEGISLATURE OF NEBRASKA

NINETY-EIGHTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 855

Introduced by Hudkins, 21; Brown, 6; Foley, 29; Kruse, 13; Dw.
Pedersen, 39; Thompson, 14

Read first time January 7, 2004

Committee: Judiciary

A BILL

1   FOR AN ACT relating to crimes and offenses; to amend section

2   28-101, Revised Statutes Supplement, 2003; to create the

3   offense of interference with child visitation; to provide

4   penalties; to harmonize provisions; to repeal the

5   original section; and to declare an emergency.

6   Be it enacted by the people of the State of Nebraska,

1   Section 1. Section 28-101, Revised Statutes Supplement,

2   2003, is amended to read:

3   28-101. Sections 28-101 to 28-1350 and section 2 of this

4   act shall be known and may be cited as the Nebraska Criminal Code.

5   Sec. 2. (1) A person commits the offense of interference

6   with child visitation if he or she intentionally interferes with or

7   deprives another person of his or her visitation rights with a

8   child in violation of a court order.

9   (2) Interference with child visitation is a Class V

10 misdemeanor for the first offense and a Class IIIA misdemeanor for

11 the second or subsequent conviction.

12   (3) It is an affirmative defense to prosecution under

13 this section that:

14   (a) The person acted in the reasonable belief that he or

15 she was protecting the child from imminent physical harm and the

16 person's actions were a reasonable response to such anticipated

17 harm;

18   (b) The person acted with the mutual consent of all

19 persons having a right to custody and visitation of the child; or

20   (c) The person acted in a manner otherwise authorized by

21 law.

22   (4) Proof of conviction under this section is admissible

23 as evidence in a civil action.

24   Sec. 3. Original section 28-101, Revised Statutes

25 Supplement, 2003, is repealed.

26   Sec. 4. Since an emergency exists, this act takes effect

27 when passed and approved according to law.